



Reissue Application No.: )  
09/512,592 )  
United States Patent No.: )  
5,806,063 )  
Issued: September 8, 1998 )  
Applicant: )  
Dickens-Soeder2000,LLC )  
Reexamination Proceeding: )  
90/005,592 )  
Filed: December 21, 1999 )  
Reexamination Proceeding: )  
90/005,628 )  
Filed: February 2, 2000 )  
Reexamination Proceeding: )  
90/005,727 )  
Filed: May 16, 2000 )  
Reexamination Proceeding )  
90/006,541 )  
Filed February 2, 2003 )

Group Art Unit: 2161

Examiner: Coby, F.

### **Applicant's Appeal Brief**

#### **Real Party in Interest**

Applicant, Bruce Dickens, files this appeal Brief individually as the inventor of United states Patent No. 5,806,063, ("the Dickens Patent") in this merged Reissue/*Ex Parte* Reexamination proceeding. The patent is currently owned by a California LLC, Dickens-Soeder2000, of which applicant is a member.

#### **Related Appeals and Interferences**

There are no pending related appeals and interferences.

#### **Status of the Claims**

Claims 1-76 are pending in the above captioned cases. Claims 1-76 have been rejected. Claims 1-76 are on appeal.

## **Status of Amendments**

Claims 16-76 were added in the Reissue Application, Ser. No. 09/512,592, to the claims as allowed in the Dickens Patent. Claim 10 was amended during the above captioned proceedings in a Response to an Office Action dated in June of 2002, which was filed in December of 2002, in order to correct a discrepancy between the claim and the disclosure of the Dickens patent. Claim 54 was amended in a Response (February 2002) to correct a typographical error omitting a word from the claim as filed.

## **Summary of the Invention**

The present invention relates to the problem of dealing with legacy databases wherein data is stored in a form that is ambiguous as to century, the so-called Y2K problem much of note at the recent turn of the century. As described and claimed in the original application, as amended, and as claimed in the claims added in the Reissue Application, the invention relates to, e.g., considering the language of issued claim 11, “[a] method of processing dates in a database, comprising the steps of providing a database with dates stored therein according to a format wherein  $M_1 M_2$  is the numerical month designator,  $D_1 D_2$  is the numerical day designator, and  $Y_1 Y_2$  is the numerical year designator, all of dates falling within a 10-decade period of time which includes the decade beginning in the year 2000; selecting a 10-decade window with a  $Y_A Y_B$  value for the first decade of the window,  $Y_A Y_B$  being no later than the earliest  $Y_1 Y_2$  year designator in the database; determining a century designator  $C_1 C_2$  for each date in the database,  $C_1 C_2$  having a first value if  $Y_1 Y_2$  is less than  $Y_A Y_B$  and having a second value if  $Y_1 Y_2$  is equal to or greater than  $Y_A Y_B$ ; reformatting each date in the form  $C_1 C_2 Y_1 Y_2 M_1 M_2 D_1 D_2$  to facilitate further processing of the dates; and sorting the dates in the form  $C_1 C_2 Y_1 Y_2 M_1 M_2 D_1 D_2$ .”

This process is done, as added claims in the Reissue Application recite more explicitly, (1) on all of the dates in the database prior to the step of, e.g., sorting (or other manipulation, also claimed to be other forms of manipulation besides sorting, more explicitly in the added claims) (Abstract, Col. 1, line 66 - Col. 2, line 3, Col. 2, lines 24-27, Col. 3, lines 49-60, Exhibit A, and Claim 1, :determining ... for each ...”), (2) without

modification of the original date data in the existing date data fields of the existing legacy database itself (Col. 1, lines 31-45, lines 51-56, Exhibit A); (3) outside of the existing date data field(s) in question in the original legacy database itself (Col. 1, lines 31-40, Col. 2, lines 19-21, Col. 3, lines 49-60, Col. 3, lines 46-48, Exhibit A), (4) for the purpose of facilitating the further processing of all of the dates and all of the data associated with the dates, e.g., by sorting (Col. 3, lines 46-48), and (5) this manipulation is done collectively on all of the dates extracted from the legacy database and converted according to the claimed invention collectively Abstract, Col. 1, line 66- Col. 2, line 3, Col. 2, lines 24-27 and Claim 1, :determining ... for each ..."). Thus, the invention utilizes aspects of a known technique called "windowing" to enable the utilization of a specific kind of data stored in a specific manner in a database in a specific way as recited in the original and Reissue Application claims.

## **Issues**

Whether the rejection of claims 1-76 in the above captioned merged proceeding is proper under 35 U.S.C. §103(a).

Whether the rejection of claims 1-76 in the above captioned merged proceeding is proper under 35 U.S.C. §112 second paragraphs is proper.

Whether the rejection of claims 16-67, 69-73, and 75-76 under 35 U.S. C. §112, first paragraph is proper.

Whether the objection of the Examiner to certain documents filed in the above captioned proceeding is proper.

## **Grouping of the Claims**

Claims 1-15 stand together and the newly added Reissue Applications claims stand together as having recitations further defining them over the prior art than claims 1-15 are defined over the prior art. Claims 16-67, 69-73, and 75-76 stand together as being rejected under 35 U.S. C. §112, first paragraph.

## Argument

### Background

On September 8, 1998 over seven years ago, United States Patent No. 5806063, entitled DATE FORMATTING AND SORTING FOR DATES SPANNING THE TURN OF THE CENTURY was issued to Boeing Corporation ("Boeing") on an application filed by Boeing on October 3, 1996 ("the Dickens patent"). The Dickens patent, the subject of the above captioned merged Reissue Application and Reexamination proceedings, was subsequently assigned to Mr. Bruce M. Dickens, the inventor, who was then and still is an employee of Boeing (now as an employee of Boeing's subsidiary McDonnell Douglas).

As noted above, the Dickens patent relates to specific implementations of aspects of a technique called windowing to automatically solve the so-called Y2K problem<sup>1</sup>, e.g., for use with large and complex legacy databases for which the original software was most likely "home grown" and thus, as was characteristic of such systems, mainly in large companies with internal information technology departments, complex, poorly documented. It was, and is, thus very difficult to modify, supplement, complement, etc., in order to solve the Y2K problem.

As the year two thousand approached companies began to realize the magnitude of the Y2K issues facing them and began to react, even though in many cases belatedly only in the late 1990's. Faced with the Hobson's choice of essentially completely or partially replacing computer systems and databases, with all of the problems in terms of time, resources, down times, insuring accuracy of copied data from legacy databases and like costly and mostly risky or very ineffective solutions to the Y2K problem, the inventor applicant came up with the solution of the Dickens Patent. applicant also believes that many companies, e.g., those with massive existing legacy databases, faced with the same choices chose to implement the method(s) disclosed and claimed in the Dickens patent and claims filed in the inventor applicant's application to Reissue the Dickens patent.

After failing to obtain much response as an individual patent owner to written suggestions to companies that a license to the Dickens patent would be appropriate, the applicant inventor, Mr. Dickens hired counsel to prepare and submit license demand letters to "Fortune Five Hundred" and "Information Technology Five Hundred" companies in November of 1999 in advance of the turn of the century.

This proposed licensing program immediately drew heavy criticism, e.g., from the information technology industry, e.g., as evidenced by blistering comments, e.g., on the web-site of the Information Technology Association of America. The attacks were leveled at Congress and the patent system itself for allowing so-called "software" and/or "business method" patents. They also attacked the Patent Office for issuing them,

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<sup>1</sup> The so-called Y2K problem arises from the long-standing use of two characters only to represent a year datum in date fields, e.g., of DD/MM/YY or like formats, starting initially under the motivation of saving critical memory space for records needing date information containing year datum. Such formats were still included later when memory became less expensive, e.g., due to the problems with changing over legacy databases and, e.g., their associated user interface and applications software and perhaps also, e.g., links to other existing databases or fields in the same database or other databases. These and like problems are of monumental difficulty to resolve in terms of time, expense, resources, down time and other similar problems in resolving the Y2K problem vis-a-vis existing legacy databases.

including the quality and competency of the review thereof by the Examiners in the Patent Office. And, also attacked was the validity of the issuance of the Dickens patent in particular.

Particularly validity of the Dickens patent was attacked on the Information Technologies Association of America ("ITAA") web-site, but also elsewhere in the public discourse on the subject. Public attacks on the validity of the Dickens patent were based on two prior art references, United States Patent No. 5,630,118 ("Shaughnessy") which was before the Examiner in the original prosecution of the Dickens patent, and an article B. Ohms, *Computer Processing of Dates Outside of the Twentieth Century*, IBM Systems Journal, Vol. 25, No. 2, 1986 ("Ohms"), which was not. Examiner Amesbury, one of the most experienced of software/database Patent Examiners then in the Patent Office, allowed the Dickens patent.

Within weeks, and before the turn of the century, on December 21, 1999, the Commissioner, in the very unusual step for the Commissioner, ordered a Reexamination of the Dickens patent on his own volition, Reexamination No. 90/005592. Perhaps not surprisingly, it was based on a substantially new question of patentability raised by either Shaughnessy or Ohms.

A first anonymous Request for Reexamination that was granted by an order of March 10, 2000 became Reexamination 90/005628, also based on Shaughnessy and Ohms. By Order of August 10, 2000 a second anonymous Request for Reexamination became, Reexamination 90/005727, based on the same references and adding a new references, Booth, et al., *Clipper 5 A Developer's Guide*, M&T Books (1991) ("Booth") plus a Japanese Laid Open Application ("Hazama").<sup>2</sup>

The inventor applicant formed Dickens-Soeder2000 joining an existing entity partly owned by Thomas P. Soeder, inventor/patentee of certain other Y2K solution patents, to try to license a package of Y2K solution patents (the Dickens patent and Soeder patents). Dickens-Soeder2000 is the current owner of the Dickens patent. The patent owner filed an application to Reissue the Dickens patent, Ser. No. 09/512592 on February 23, 2000.

The three pending Reexamination procedures and the Reissue Application were merged into one proceeding on November 6, 2000.

In a Housekeeping Amendment of February 23, 2000, applicant attempted to add to the Reissue Application an Exhibit A that was filed with the original application and referenced in the Specification as printed when the Dickens patent issued, but was not printed in the Patent as issued.

In a first Office Action (September 2001) in the above captioned merged proceedings the Examiner rejected claims 1-76 based upon 35 U.S.C. §102(e) (as anticipated by Shaughnessy, 35 U.S.C. §103(a) (as unpatentable over Shaughnessy in view of Hazawa or Booth or over Ohms in view of Hazama or Booth) and 35 U.S.C. §112, first and second paragraphs. The Oath/Declaration was objected to as was the Assent of Assignee. The Examiner objected to the way in which the applicant attempted to correct the fact the Exhibit A was not published with the Dickens patent as issued, but did not object to Exhibit A as new matter or assert that Exhibit A was not in fact filed

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<sup>2</sup> An earlier version of Booth was before Examiner Amesbury.

with the application leading to the Dickens patent. The Office Action was 176 pages long, essentially regurgitating verbatim rejections based on §§102 and 103 for two different combinations of the main and supporting references for each of various groups of claims.

In a Response (February 2002) to the first Office Action (September 2001) applicant submitted a new Reissue Declaration signed by applicant as inventor including a statement of claim language that rendered the patent wholly or partly inoperative or invalid. Also submitted was a consent of Assignee signed on behalf of the owner of the '063 patent, Dickens-Soeder2000 and a Supplemental Certificate under 37 C.F.R. §3.73 and supporting documentation showing the chain of assignments to Dickens-Soeder2000. Also submitted was a declaration that Mr. Dickens was authorized to sign on behalf of Dickens-Soeder 2000.

In a second Office Action (July 2003), of over 200 pages in length, the Examiner then rejected all claims under 35 U.S.C. §103(a) virtually regurgitating the same assertions as made in the first Office Action, with limited and relatively insubstantial additional comments, and for the first time adding 35 U.S.C. §112 rejections. Claims 16-67, 69-73 and 75-77 were rejected under 35 U.S.C. §112, first paragraph as not being supported by an enabling disclosure in the Specification. Claims 1-76 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner then referred several sets of claims A-J as having various different asserted deficiencies under 35 U.S.C. §112.

The Office Action also essentially repeated verbatim the Objections to the Oath and Declaration and under 37 C.F.R. §1.172 (a) to which applicant had already responded. The Examiner added some "general statements", headed "Examiner's Remarks," but did not apply any of these to reject any specific claim under any specific section of the Patent Statute.

Applicant also addressed the so-called Examiner's Remarks at pp. 64-86. Applicant also addressed the arguments of the Examiner that applicable claims were not supported by the Specification as originally filed, showing that they were, even without the content of Exhibit A, and also showing that Exhibit A, filed with the original application for the Dickens patent, but not printed in the Dickens patent as issued, gave the Specification even further support for the claims as originally filed and added in the Reissue Application. (Response (December 2002) pp. 16-29 and 54-65)

In a response also to the first and second Office Actions applicant has demonstrated that there was no obviousness. This was because, but that the references were not anticipatory, but in fact taught away, and the Examiner had not presented a *prima facie* case for obviousness both because all the elements of the claimed inventions were not in the purported combinations and there was no demonstrated suggestion to combine of reasonable likelihood of reaching the claimed inventions. Also in response to the second Office Action applicant submitted a Declaration of a persons qualifying as an experts in the art supporting both applicants arguments as to non-obviousness and in support of the fact that the patent as issued supported the claims added in the Reissue Application and/or the patent as it should have issued with Exhibit A that was filed with the application as filed also supported the claims added by the Reissue Application.

In a Final Office Action in June 2003 the Examiner found applicant's arguments unpersuasive. The Examiner also found the Declaration of an Expert witness (Toreson) unpersuasive.

Applicant submitted a Notice of Appeal and then, after an RCE, filed in order to submit further evidence regarding the disclosure contained in Exhibit A to the Dickens patent Specification, applicant submitted another Declaration of an expert witness (Winner).

Another anonymous request for Reexamination was submitted and a further Reexamination declared (90/006,541) and merged into the above captioned proceeding. This further Reexamination was based a substantial new question of patentability raised by a Japanese Published Patent Application No. 06-103133 ("Saka"). In the ensuing Office Action of October 2004 Saka was nowhere cited as a basis for rejection of a single claim pending in the above captioned action.<sup>3</sup>

In the first Office Action (October 2004) after the RCE a new Examiner repeated verbatim the rejections made in the Office Action of July 2002. In fact it appeared that the Examiner merely scanned the July 2002 Office Action document and inserted the scanned version of it into the October 2004 Office Action replete with formatting errors (e.g., at p. 18 where paragraph 11 is not started on a new line, and the same for the paragraph beginning with "additionally" on p. 19 of the July 2002 Office Action), and footnotes mistakenly inserted as text in the document, e.g., at p. 9 of the October 2004 Office Action where the footnote 2 is inserted into the text as an added character after the words "current date" and the actual text of the footnote is inserted into the main text after the last word on the corresponding page 19 of the July 2002 Office Action "thereby," at lines 19-21 of the October 2004 Office Action.<sup>4</sup>

In a final Office Action of June 10, 2005 the Examiner has simply incorporated by reference the rejections made in the October 2004 Office Action, which, as noted simply repeat the rejections of the July 2002 Office Action.<sup>5</sup>

#### **Incorporation By Reference**

Applicant believes that the arguments contained in referenced portions of Applicant's Responses of February and December 2002 cited herein sufficiently address the assertions of the Examiners up through the Final Office Action of October 2005, the final two Office Actions, as noted above, being simply regurgitations of the Office Action of July 2002. Applicant hereby incorporates these responses as referenced in this Brief and all of the Response of December 2002 whether referenced or not herein.

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<sup>3</sup> In the Office Action of June 2005 the current Examiner admitted that there was no additional basis for rejection based upon Saka, at pp. 18-19. Applicant repeats its prior request for the dismissal of the 90/006,541 Reexamination, because it presents no substantial new question of patentability.

<sup>4</sup> Actually only the portion of the footnote from the July 2002 Office Action is inserted here, with the remainder and the following footnote inserted on the next page (20 of the October 2004 Office Action) after the last words on that page "combine the", i.e., lines 15-17 on page 20 of the October 2004 Office Action.

<sup>5</sup> Also, the Examiner stated in the first paragraph of "Remarks" by the Examiner in the Office Action of June 2005 that it wasn't necessary to make any additional or other arguments because the claims have not been amended since the July 2002 Office Action.

### **Applicable Law**

Applicant also believes that the discussion of the applicable law in the Response of December 2002, pp. 3-15 and elsewhere in other portions of that Response cited herein adequately presents the law applicable to the issues in this Appeal and incorporates them by reference.

### **Specific Rejections**

#### **Reissue Applications**

The Examiner has incorporated an objection to the form of the Reissue Application submitted in the above captioned action from the October 2004 Office action. This is a repeat of an objection/rejection that has appeared in every Office Action in this case, despite applicant having submitted a new declaration, which specifically references at least one error in the patent, i.e., that applicant claims more or less than could have been claimed, to wit :

Claim 1 recites 'according to a format wherein M1M2 is the numerical month designator, D1D2 is the numerical data designator ... '

The invention is broader than this recitation and can include, e.g., a month and date designator other than as recited, e.g., in Julian format, so long as there is ,e.g., a year designator such as Y1Y2.

Contrary to the Examiner's statement on p. 15 of the Office Action of June 2005, applicant believes that applicant has submitted a substitute Declaration that does refer to the amendment to the Dickens application.

#### **New Matter**

The examiner has asserted that Exhibit A adds new matter. Applicant asserts that Exhibit A was filed with the application for the Dickens patent as originally filed and cannot, therefore be new matter. Applicant has previously submitted evidence that Exhibit A was so filed, attached to the December 2002 Response of applicant and as Appendix D to this Appeal Brief. As noted in A Response of applicant filed in February of 2005:

The Examiner has objected to Exhibit A as new matter. Exhibit A was submitted previously along with evidence that it was filed with the Specification as originally filed. The Examiner has not stated why this is not sufficient to show that Exhibit A was filed with the application that led t the above referenced patent originally. Having been submitted with the application that led to the above referenced patent as filed, it is not new matter.

The Examiner has still not indicated why the evidence submitted by applicant is not sufficient to indicate that Exhibit A was filed with the application for the Dickens patent as originally filed.

Further, in a submission in the application as originally filed for the Dickens patent, a Declaration of Dickens was submitted with an attachment Exhibit G, that was indicated to be a copy of the Exhibit A, and it was stated to be the Exhibit A which was filed with the original application for the Dickens patent. The Examiner did not take issue with such representation.



## **§112 Rejections**

### **Claims 16-67, 69-73 and 75-76**

Claims 16-67, 69-73 and 75-76 stand rejected under 35 U.S.C. §112, first paragraph as set forth in paragraphs 5-9 of the October 2004 Office Action which correspond to paragraphs 5-9 of the Office Action of July 2002, and which are incorporated by reference in the June 2005 Office Action which is the subject of this appeal.

Pages 16-29 of the Response of December 2002 discusses the disclosure of the Dickens patent and the interpretations thereof in the record of the original prosecution and demonstrate that the inventions as claimed were contained in the Dickens patent application as originally filed, whether taking Exhibit A into account or not. Applicant submits that the Declarations of Toreson and winner also support applicants position in this regard. Applicant also submits that the addition of Exhibit A, further supports these claims, as is also supported by the Winner Declaration.

### **Claims 1-76**

Claims 1-76 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite.

At pages 57-65 of the Response of Applicant of December 2002 applicant has addressed these specific rejections of the Examiner as to various groups of claims.

### **Claims 1-3, 5, 7 and 9-10**

Claims 1-3, 5, 7 and 9-10 stand rejected under 35 U.S.C. §103(a) as unpatentable over Shaughnessy in view of Hazama as set forth in Paragraphs 8-9 of the Office Action of October 2004 which repeat paragraphs 8-9 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

At pages 9-12 of the Response of February 2002 applicant explained why the Shaughnessy reference, considered by the original Examiner, discloses a solution to the Y2K problem which, while employing windowing, is remarkably different from what is recited in the claims of the '063 patent and the reissue claims. Specific elements of the claims that are not found in Shaughnessy were discussed at pages 12-13 as to claims 1-3, 5, 7, and 9-10.

On pages 14-16 of the Response of February 2002 applicant explained how the teachings of Hazama are no better than those of Shaughnessy in regard to the invention as claimed and specifically what recitations of the claims 1-3, 5, 7, and 9-10 are not found in the combination of Hazama and Shaughnessy.

Similar arguments are made at pp. 33-40 of the December 2002 Response of Applicant.

### **Claims 4,6 and 8**

Claims 4, 6 and 8 stand rejected under 35 U.S.C. §103(a) as unpatentable over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 10 of the October 2004 Office Action which repeats paragraph 10 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

On pages 16-19 of the February 2002 Response applicant explained why Booth not only does not propose a solution to the Y2K problem as claimed in the claims of the

'063 patent, but also does not even store data in a database in a form that is subject to the Y2K ambiguity problem solved by the claimed methods of the '063 patent. Booth stores data in a format that does not use the two digit (Y<sub>1</sub>Y<sub>2</sub>) format but rather a number that includes all of the year data (century in addition to the portion of the date data represented by the Y<sub>1</sub>Y<sub>2</sub> two digit date data format of the claims). Specific recitations of the claims 4, 6 and 8 not shown in Booth are also noted on pages 20-21 of the February 2002 Response.

Similar arguments are made at pp. 40-42 of the December 2002 Response of applicant.

**Claims 11-18, 20, 22 and 24-25**

Claims 11-18, 20, 22 and 24-25 stand rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama<sup>6</sup> as set forth in pages 18-28 of the October 2004 Office Action which repeats Paragraphs 11-12 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

On pages 27-28 of the February 2002 Response of applicant, these assertions of the Examiner are addressed.

Similar arguments are made at pp. 42-45 of the December 2002 Response of applicant.

**Claims 19, 21 and 23**

Claims 19, 21 and 23 stand rejected under 35 U.S.C. §103(a) as unpatentable over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 13 of the October 2004 Office Action which repeats Paragraph 13 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

On pages 27-28 of the February 2002 Response of applicant, these assertions of the Examiner are addressed.

Similar arguments are contained on p. 45 of the December 2002 Response of applicant.

**Claims 26-30**

Claims 26-30 stand rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in paragraph 13 of the October 2004 Office Action which repeats paragraph 13 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicants assertions in response to this position of the examiner can be found at p. 30 of the February 2002 Response of Applicant and p. 46 of the December 2002 Response of applicant.

**Claim 31**

Claim 31 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 15 of the October 2004 Office Action which repeats

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<sup>6</sup> Actually only the rejection of Claims 11-15 is based on Shaughnessy, Hazama and Booth (Paragraph 11 of the July 2002 Office Action and pages 18-23 of the October 2004 Office Action) and the rejection of claims 16-18, 20, 22 and 24-25 is based only on Shaughnessy and Hazama (Paragraph 12 of the July 2002 Office Action and pp. 24-28 of the October 2004 Office Action).

Paragraph 15 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 30-31 of the February 2002 Response of Applicant and p. 46-47 of the December 2002 Response of applicant.

#### **Claim 32**

Claim 32 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 16 of the October 2004 Office Action which repeats Paragraph 16 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 30-31 of the February 2002 Response of Applicant and p. 46-47 of the December 2002 Response of applicant.

#### **Claim 33**

Claim 33 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 17 of the October 2004 Office Action which repeats Paragraph 17 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 30-31 of the February 2002 Response of Applicant and p. 46-47 of the December 2002 Response of applicant.

#### **Claims 34-59**

Claims 34-59 stand rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 18 of the October 2004 Office Action which repeats Paragraph 18 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 31-35 of the February 2002 Response of Applicant and p. 47-48 of the December 2002 Response of applicant.

#### **Claim 60**

Claim 60 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 19 of the October 2004 Office Action which repeats Paragraph 19 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 35-37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

#### **Claim 61**

Claim 61 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 20 of the October 2004 Office Action which

repeats Paragraph 20 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 35-37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

#### **Claim 62**

Claim 62 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 21 of the October 2004 Office Action which repeats Paragraph 21 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 35-37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

#### **Claim 63**

Claim 63 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 22 of the October 2004 Office Action which repeats Paragraph 22 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 35-37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

#### **Claim 64**

Claim 64 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 23 of the October 2004 Office Action which repeats Paragraph 23 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 35-37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

#### **Claims 65-66**

Claims 65-66 stand rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in pages 72-79 of the October 2004 Office Action which repeats Paragraphs 24 and 25<sup>7</sup> of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

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<sup>7</sup> Actually only the rejection of Claim 65 is based on Shaughnessy, Hazama and booth (Paragraph 24 of the July 2002 Office Action and pp. 72-76 of the October 2004 Office Action), while the rejection of Claim 66 (Paragraph 25 of the July 2002 Office Action and pp 76-79 of the October 2004 Office Action) is based only on Shaughnessy and Hazama.

Applicant's assertions in response to this position of the examiner can be found at p. 37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

**Claim 67**

Claim 67 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 26 of the October 2004 Office Action which repeats Paragraph 26 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

**Claim 68**

Claim 68 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 27 of the October 2004 Office Action which repeats Paragraph 27 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

**Claim 69**

Claim 69 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 28 of the October 2004 Office Action which repeats Paragraph 28 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 37 of the February 2002 Response of Applicant and p. 48-49 of the December 2002 Response of applicant.

**Claim 70**

Claim 70 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 29 of the October 2004 Office Action which repeats Paragraph 29 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 71**

Claim 71 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 30 of the October 2004 Office Action which repeats Paragraph 30 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 72**

Claim 72 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 31 of the October 2004 Office Action which repeats Paragraph 31 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 73**

Claim 73 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 32 of the October 2004 Office Action which repeats Paragraph 32 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 74**

Claim 74 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 33 of the October 2004 Office Action which repeats Paragraph 33 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 75**

Claim 75 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama as set forth in Paragraph 34 of the October 2004 Office Action which repeats Paragraph 34 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claim 76**

Claim 76 stands rejected under 35 U.S.C. §103(a) over Shaughnessy in view of Hazama and Booth as set forth in Paragraph 35 of the October 2004 Office Action which repeats Paragraph 35 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

Applicant's assertions in response to this position of the examiner can be found at p. 38-39 of the February 2002 Response of Applicant and p. 49-51 of the December 2002 Response of applicant.

**Claims 1-3-5, 7 and 9-10**

Claims 1-3-5, 7 and 9-10 stand rejected under 35 U.S.C. §103(a) as unpatentable over Ohms in view of Hazama as set forth in Paragraphs 8-9 of the Office Action of October 2004 which repeat Paragraphs 36 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

At pp. 22-25 of the Response of February 2002 applicant explained why the Ohms reference discloses a solution to the Y2K problem which, while employing windowing for a completely different purpose than does the claimed method of the Dickens patent, is remarkably different from what is recited in the claims of the Dickens patent and the reissue claims. Specific elements of the claims that are not found in Ohms were discussed in those pages as to claims 1-3, 5, 7, and 9-10. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claims 4,6 and 8**

Claims 4, 6 and 8 stand rejected under 35 U.S.C. §103(a) as unpatentable over Ohms in view of Hazama and Booth as set forth in Paragraph 37 of the October 2004 Office Action which repeats paragraph 37 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claims 11-15**

Claims 11-15 stand rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth, as set for in Paragraph 38 of the July 2002 Office Action which repeats Paragraph 38 of the Office action of July 2002, and which is incorporated by reference in the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claims 16-18, 20, 22 and 24-25**

Claims 16-18, 20, 22 and 24-25 stand rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 39 of the October 2004 Office Action which repeats Paragraph 39 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claims 19, 21 and 23**

Claims 19, 21 and 23 stand rejected under 35 U.S.C. §103(a) as unpatentable over Ohms in view of Hazama and Booth as set forth in Paragraph 40 of the October 2004 Office Action which repeats Paragraph 40 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claims 26-30**

Claims 26-30 stand rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in paragraph 41 of the October 2004 Office Action which repeats paragraph 41 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 31<sup>8</sup>**

Claim 31 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 42 of the October 2004 Office Action which repeats Paragraph 42 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 32**

Claim 32 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 43 of the October 2004 Office Action which repeats Paragraph 43 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 33**

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<sup>8</sup> The Examiner in the June 2005 Office Action omitted the rejection of Claim 31 over Ohms in view of Hazama (Paragraph 42 of the October 2004 Office Action and missing from the October 2004 Office Action).



Claim 33 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 44 of the October 2004 Office Action which repeats Paragraph 44 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claims 34-59**

Claims 34-59 stand rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 45 of the October 2004 Office Action which repeats Paragraph 45 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 60**

Claim 60 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 46 of the October 2004 Office Action which repeats Paragraph 46 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 61**

Claim 61 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 47 of the October 2004 Office Action which repeats Paragraph 47 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 62**

Claim 62 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 48 of the October 2004 Office Action which repeats Paragraph 48 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 63**

Claim 63 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 49 of the October 2004 Office Action which repeats Paragraph 49 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 64**

Claim 64 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 50 of the October 2004 Office Action which repeats Paragraph 50 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 65**

Claims 65 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth Paragraph 51 of the October 2004 Office Action which repeats Paragraph 51 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 66**

Claims 66 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth Paragraph 52 of the October 2004 Office Action which repeats Paragraph 52 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 67**

Claim 67 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 53 of the October 2004 Office Action which repeats Paragraph 53 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 68**

Claim 68 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 54 of the October 2004 Office Action which repeats Paragraph 54 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 69**

Claim 69 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 55 of the October 2004 Office Action which repeats Paragraph 55 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 70**

Claim 70 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 56 of the October 2004 Office Action which repeats Paragraph 56 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 71**

Claim 71 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 57 of the October 2004 Office Action which repeats Paragraph 57 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 72**

Claim 72 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 58 of the October 2004 Office Action which repeats Paragraph 58 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

**Claim 73**

Claim 73 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama as set forth in Paragraph 59 of the October 2004 Office Action which repeats Paragraph 59 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 74**

Claim 74 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 60 of the October 2004 Office Action which repeats Paragraph 60 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 75**

Claim 75 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 61 of the October 2004 Office Action which repeats Paragraph 61 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Claim 76**

Claim 76 stands rejected under 35 U.S.C. §103(a) over Ohms in view of Hazama and Booth as set forth in Paragraph 62 of the October 2004 Office Action which repeats Paragraph 62 of the Office Action of July 2002, and which is incorporated by reference into the June 2005 Office Action which is the subject of this appeal.

The above noted portions of the February 2002 Response of applicant discuss also the rejections based on Ohms as the primary reference. Pages 51-54 of the December 2002 Response of applicant discuss the rejections based on Ohms as the primary reference.

#### **Examiner's General Statements**

The July 2002 Office Action contained a number of general statements of the Examiner not specifically incorporated as rejections under any section of the statute and not in the June 2005 Office Action which is the subject of this appeal. Nevertheless applicant refers the Board to the discussion of these statements by applicant at pp. 29-33 of the December 2002 Response of applicant. In addition, in the October 2004 Office Action in a section denoted REMARKS the Examiner made certain other arguments that Applicant addressed at pp. 65-87.

Paragraph 72 of the July 2002 Office Action contains the Examiner's argument that the assertions made by applicant and the Declaration of Toreson (an also therefore

Winner later) fail to point out how the Specification supports claim language. Applicant submits that this support is adequately demonstrated in the arguments previously submitted by applicant as referenced above.

In paragraph 73 of the July 2002 Office Action the Examiner seems to be objecting to applicants reliance on Exhibit A, because Exhibit A has not been properly inserted into the Reissue/Reexamination proceeding. The Examiner is objecting to the manner in which applicant had attempted to do so. Applicant submits that this does not constitute an assertion that Exhibit A was not filed with the application as originally filed.

In fact the Examiner here simply asserts that the applicant has failed to point out what parts of the Exhibit A support the claim language at issue. In this regard, if not sufficiently explained elsewhere, applicant submits that Exhibit A shows source code for a program which supports the language in the referenced claims 16-25, 31-33, 66-67, 72, and 36-43 regarding “collectively processing” or “collectively further processing.”

The Declaration of Winner, e.g., in ¶¶ 131, 165, 169, 173, 175, 179, 209, 210, 211 and 212 is more specific in this regard.

Paragraph 74 of the July 2002 Office Action contains the assertion that applicant has made only “general allegations” regarding adequacy of the disclosure of the Dickens patent, with or without Appendix A. Applicant respectfully submits that the above noted arguments of applicant along with the Declarations of Toreson and Winner are specific in setting forth how the claimed invention is supported by the Specification of the Dickens patent, even without Exhibit A, but even the more so with that Exhibit A.

In paragraph 75 of the July 2002 Office Action the Examiner admits that the specification supports the claim recitation.

Paragraphs 76 and 77 of the July 2002 Office Action reflect further disagreements with the Examiner on the interpretation of the Shaughnessy reference, which applicant also submits is adequately addressed in the prior arguments of applicant referenced above.

Finally, as to Exhibit A, the Examiner has repeated what was first asserted in the Office Action of October 2004 (pp. 1-2), i.e., that Exhibit A constituted new matter.<sup>9</sup> Prior to that time the Examiner had treated Exhibit A as if it were part of the original disclosure but improperly inserted into the Specification in the Reissue Application by certificate of correction as opposed to a substitute specification. Applicant has filed a Substitute Specification incorporating Exhibit A. Applicant has submitted evidence that the Exhibit A was sent to the Patent Office with the originally filed application.<sup>10</sup>

The Examiner has simply asserted that Exhibit A adds new matter, but does not disagree that Exhibit A was part of the application as filed. Given Exhibit A was part of the application as originally filed in 1996, applicant asserts that it does not add new matter.

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<sup>9</sup> In the same paragraph (p. 17), the Examiner commented that applicant had not indicated the specific correspondence in which the Examiner had indicated that a Certificate of correction was an improper way to put Exhibit B into the Reissue application (which was by the way the Office Action of July 2002, p. 2, ¶4)

<sup>10</sup> In a Response in the original applications for the Dickens patent, Applicants counsel in the original prosecution of the Dickens patent also referred to the fact that the Exhibit A had been filed with the application (equivalent to an Exhibit G filed with an Affidavit of the inventor filed with that Response). the Examiner did not take issue with this assertion.

### **Conclusion**

For the above stated reasons, applicant submits that claims 1-78 in the Reissue application should be allowed and the Reexamination proceedings dismissed.

Respectfully submitted,

Bruce M. Dickens

Appendix 1  
Claims at Issue

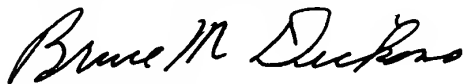
10. (Amended) The method of claim 9, including the additional step, after the step of reformatting, of manipulating information in the database utilizing the reformatted date information.

54 amended

### **Conclusion**

For the above stated reasons, applicant submits that claims 1-78 in the Reissue application should be allowed and the Reexamination proceedings dismissed.

Respectfully submitted,

A handwritten signature in black ink, reading "Bruce M. Dickens". The signature is written in a cursive, flowing style with a large initial "B" and "D".

Bruce M. Dickens  
949-857-1487